

MR. SPEAKER.— The Hon'ble. Chief Minister has written to me as follows, I am leaving for New Delhi today evening and will be returning to Headquarters on 10th July morning. I have requested my colleague Sri B. Subbayya setty, Minister for Education to attend to the business pertaining to me in the Assembly on 7th and 8th July 1978. This is for your kind information'. Hon. Minister for Revenue states, I am leaving for Delhi today and returning on 8th July 1978. The Questions and other legislative Business standing in my name may kindly be held over and taken up after 10th July 1978. and Hon. Minister for Industries and Commerce states. As the Union Minister for Industries has desired my participation in a discussion with the Foreign Investment Board at New Delhi on 7th July 1978, I will not be in a position to attend the sessions on 7th and 8th July 1978.

ಶ್ರೀ ಎಸ್. ಆರ್. ಬೊಮ್ಮಾಯಿ.— ತಾವು ಆ ಪತ್ರಗಳನ್ನು ಓದಿದ ಮೇಲೆ ನಾವು ಅರ್ಥ ಮಾಡಿ ಕೊಂಡಿದ್ದೇವೆ, ಮಾನ್ಯ ಬಸವಲಿಂಗಪ್ಪನವರು ಮತ್ತು ಮುಖ್ಯಮಂತ್ರಿಗಳು ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ ಡೆಲ್ಲಿಗೆ ಹೋಗಿಲ್ಲವೆಂದು.

ಅಧ್ಯಕ್ಷರು.— ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇಲ್ಲಿಗೆ ಬಂದ ಮೇಲೆ ತಾವು ಇದನ್ನು ಪ್ರಸ್ತಾಪಮಾಡಬಹುದು.

ಶ್ರೀ ಎಸ್. ಆರ್. ಬೊಮ್ಮಾಯಿ.— ಇದರ ಬಗ್ಗೆ ನನ್ನ ಸಲಹೆ ಏನೆಂದರೆ, ಮಂತ್ರಿಗಳು ಸರ್ಕಾರಿ ಕೆಲಸದ ವಿವರ, ಬೇರೆ ಕೆಲಸಗಳಿಗೆ, ಈ ಮನೆಯು ನಡೆಯುವಾಗ ಬೇರೆ ಕಡೆಗೆ ಹೋಗಬಾರದು. ಅಂಥ ಅವಶ್ಯಕತೆ ಇದ್ದರೆ, ಅವರು ಈ ಮನೆಯಲ್ಲಿ ಮಾಡಬೇಕಾದ ಕೆಲಸಗಳಿಗೆ ಬೇರೆಯವರು ನೋಡುವಂತೆ ವ್ಯವಸ್ಥೆ ಮಾಡಿಯಾದರೂ ಹೋಗಬೇಕು. ಅವರು ಉತ್ತರ ಕೊಡತಕ್ಕ ಫೈಲಿಂಗ್‌ಗಳನ್ನು ಇಲ್ಲಿರುವ ಮಂತ್ರಿಗಳಿಗೆ ಕೊಟ್ಟು ಈ ಮನೆಯ ಕಾರ್ಯ ಕಲಾಪಗಳು ನಡೆಯುವಂತೆ ಅನುಕೂಲ ಮಾಡಬೇಕು. ಇಂಥ ಒಂದು ವ್ಯವಸ್ಥೆಯನ್ನು ಅವರು ಏಕೆ ಮಾಡಬಾರದು ? ನಾವು ಪದೇ ಪದೇ ಈ ವಿಷಯವನ್ನು ಇಲ್ಲಿ ಎತ್ತಿ ಮಾತನಾಡುವುದು ಸರಿಯಲ್ಲ. ಪತ್ರಿಕೆಗಳವರು ತಮ್ಮ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಈ ಬಗ್ಗೆ ಎಡಿಟೋರಿಯಲ್ಸ್ ಬರೆದಿದ್ದಾರೆ. ಹಿಂದೂ ಮತ್ತು ಡೆಕ್ಕನ್ ಹೆರಾಲ್ಡ್‌ನವರು ನಾವು ಯಾವ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಳ್ಳಬೇಕು, ಬಡ ಬೋರೇಗೌಡನ ಹಣವನ್ನು ನಾವು ಯಾವ ರೀತಿಯಲ್ಲಿ ಖರ್ಚು ಮಾಡಬೇಕು ಎನ್ನುವ ಅರ್ಥ ಬರುವ ರೀತಿಯಲ್ಲಿ ಬರೆದಿದ್ದಾರೆ. ಇದು ಏನಾಗಬಾರದು ? ಈ ಬಗ್ಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ತಾವು ಕಡ್ಡಾಯವಾಗಿ ಹೇಳಬೇಕು.

Jurisdiction of amalgamated Co-operative Societies

120 SRI M. C. BASAPPA (Chamarajanagar).—Will the Minister of State for Co-operation be pleased to state :—

(a) whether it has come to the notice of the Government that the High Court of Karnataka has struck down the amalgamation of Co-operative Societies amendment Act ;

(b) if so, whether the Government is thinking of revising the jurisdiction of such Societies ;

(c) action taken so far ?

SRI V. M. KUSNOOR (Minister of State for Co-operation).—

(a) The provisions of the Act relating to the amalgamation have not been struck down.

(b) Does not arise.

(c) Does not arise.

ಶ್ರೀ ಎಂ. ಸಿ. ಬಸಪ್ಪ.—ತಾವು ಅಮಾಲ್ ಮೇಷನ್ ಆದಂಥ ಸೊಸೈಟಿಗಳು ಕೋ-ಆಪರೇಟೀವ್ ಸೊಸೈಟೀಸ್ ಆಮೆಂಡ್‌ಮೆಂಟ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಸ್ಟೇಕ್ ಡೌನ್ ಆಗಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಆದರೆ ಇವರು ಹೈಕೋರ್ಟಿಗೆ ಹೋಗಿ, ಇದಕ್ಕೆ ಸ್ಟೇ ಆರ್ಡರ್ ತಂದಿದ್ದಾರೆ, ಇದು ನಿಜವೇ ?

ಶ್ರೀ ವಿ. ಎಂ. ಕುಶನೂರ್.—ನಿಜ.

ಶ್ರೀ ಎಂ. ಸಿ. ಬಸಪ್ಪ.—ಅಂದಮೇಲೆ ಅಮಾಲ್ ಮೇಟೆಡ್ ಸೊಸೈಟೀಸ್ ಪೊಜಿಷನ್ ಏನಾಗುತ್ತದೆ ? ಹೈಕೋರ್ಟಿನವರು ಇದಕ್ಕೆ ಸ್ಟೇ ಇಷ್ಯೂ ಮಾಡಿದ್ದಾರೆ.

SRI V. M. KUSHNOOR.—On the basis of the High Court order it will be deemed that they are not in existence. Subsequently we have issued an ordinance and we have validated all the actions we have taken earlier.

ಶ್ರೀ ಎಂ. ಸಿ. ಬಸಪ್ಪ.—ತಮ್ಮ ಅಮಾಲ್ ಮೇಷನ್ ನೋಟೀಸ್ ಬಂದ ತಕ್ಷಣ ಕೆಲವರು ಹೈ ಕೋರ್ಟ್ ಅಪ್ರೋಚ್ ಮಾಡಿ, ಸ್ಟೇ ತಂದಿದ್ದಾರೆ. What is the status of such societies which had obtained stay order from the High Court ?

SRI V. M. KUSHNOOR.—We have validated the action on 27-4-1978 and even the decree of the court will not come in the way of the validation of the societies.

SRI M. C. BASAPPA.—No doubt you have issued an ordinance validating the invalid Act. Still some people have challenged the amending Act and obtained stay orders.

SRI V. M. KUSHNOOR.—There are a few cases like that. I have not got the exact number.

ಶ್ರೀ ಎಂ. ಸಿ. ಬಸಪ್ಪ.—ನಂಬರ್ ಆಫ್ ಕೇಸ್‌ಸ್ ಮುಖ್ಯವಲ್ಲ, ಸ್ಟೇ ಆರ್ಡರ್ ತೆಗೆದುಕೊಂಡು ಬಂದು, ಇಂಡಿಪೆಂಡೆಂಟ್ ಆಗಿ ಫಂಕ್ಷನ್ ಮಾಡುವಂಥ ಸೊಸೈಟಿಗಳ ಸ್ಥಿತಿ ಗತಿ ಏನು ? ಯಾವ ಆಧಾರದ ಮೇಲೆ ಈ ಆಮೆಂಡ್‌ಮೆಂಟ್ ಆಕ್ಟ್ ಬಂದ ಮೇಲೆ ಅವು ನಿಂತುಕೊಳ್ಳುತ್ತವೆ ?

SRI V. M. KUSHNOOR.—Wherever they stay has been issued by the High Court against the ordinance we have not touched it.

SRI G. B. SHANKAR RAO.—Perhaps the Hon. Minister could not make out what the implications of the stay order issued by the High Court are. So far as I know a number of societies in one district have challenged the amending Act. Subsequently the High Court said that the amendment was invalid. The position is that against the amalgamation the stay order was issued and so they remain the same societies and they cannot be amalgamated.

SRI V. M. KUSHNOOR.— I have made it clear that though the High Court has struck down, the notification issued by the Deputy Commissioner under Section 14A has not been struck down. Even though we have not issued notices, whatever action we have taken is validated. Therefore, the matter does not arise in this particular case.

SRI S.R. BOMMAI.—Perhaps the Hon'ble Minister is not able to understand. The writs were preferred by a number of societies and then the High Court granted stay order and there was no amalgamation of those societies. After the writ petitions were allowed legally they continue to be independent societies without amalgamation. We would like to know whether after issue of the new ordinance whether you have attempted to amalgamate those societies which are not amalgamated because of the High Court's stay order? If so, if you are trying to amalgamate, will it not be violation of the spirit of the judgment?

SRI V.M. KUSNOOR.—It will not be violative of the judgment. In the ordinance we have made clear those societies which have not gone against the high court order. The societies which have gone against the reorganisation of societies number 752 and all of them stayed because no notices have been given to the concerned party. The court said that natural justice has been affected and therefore they will quash the notification issued. We have said that on the basis of ordinance that whatever societies which have gone to the High Court and the High Court has stated that natural justice has been denied to them, all those societies are deemed to have been amalgamated according to the notification issued by the Deputy Registrar of Co-operative Societies. The notification issued by the Deputy Registrar is valid. The question is, even against the ordinance they have gone, and those Societies will not be affected by the ordinance. The rest of the societies will be deemed to have been amalgamated according to the earlier decision.

SRI M.C. BASAPPA.—It is clear from the decision of the High Court that you have to meet natural justice. You have to give an opportunity if you want to respect the decision of the court. Why not you say such of the societies which are willing to be amalated or continue to maintain status quo position?

SRI V.M. KUSNOOR.—My difficulty would be I have advanced loan to the tune of Rs. 6 crores to these 752 Societies. If I treat that they were not in existence on that day when reorganisation took place, all the transactions that have taken place between the date of amalgamation and the date of judgment passed in February 1978 will be invalid and

I cannot recover the loan. Feeling this difficulty I have brought this ordinance and I do not want to give chance to hear. If I hear now it will be deemed that they were not there on the date they were amalgamated.

SRI S.R. BOMMAI.—There was an assurance given by Sri K.H. Ranganath when you were sick, on your behalf that while amalgamating the legislator of the area will be consulted. Has that promise been fulfilled?

SRI V.M. KUSNOOR.—The rest of the Societies in the entire Dharwar District have not been amalgamated, In respect of those Societies I am going to follow the direction of the High Court. In the case of Societies already amalgamated, it is not possible.

SRI M.C. BASAPPA.—Many Societies which have obtained stay order have challenged this ordinance. As per the direction in the judgement at least will the Government give them opportunity whether they are willing to be amalgamated or have independent status?

SRI V.M. KUSNOOR.—My difficult is, if I allow them a say all the transactions that have taken place will become null and void. Therefore, I am afraid I cannot take that decision.

MR SPEAKER.—Now question hour is over.

QUESTIONS FOR ANSWERS ON THE DAY

(But not taken up)

Police Personnel in the State

346. **SRI S.S. ARAKERI (Balloli).**—Will the Chief Minister be pleased to state:

- (a) the total number of Superintendents of Police in the State;
- (b) the total number of Deputy Superintendents of Police and Circle Inspectors of Police in the State;
- (c) the total number of Sub-Inspectors of Police in the State at present;
- (d) total number of Superintendents of Police, Deputy Superintendents and Sub-Inspectors of Police belonging to S.C. and S.T. in the State and the percentage of them in the said cadres?